19 52 **K** **File No.** National Parks II/52 (R)

Legal Dept.

B. **BRANCH**

Subject:— Scrutiny of rules under the Bombay National Parks Act 1950

P 2 E

File No. National Parks II/52 (R)

Gen. 194 e.

Legal Department.

A revised draft notification is sent herewith. The Agriculture and Forest Department is requested to state if the revised draft is suitable and carries out its intentions.

2. Regulation 11(b) on p.11 ante.- Unattended cattle trespassing on any part of land can be impounded under the provisions of the Cattle Trespass Act, 1871 (vide sections 10 and 11). Provision in that behalf in clause (b) of regulations 11 has, therefore, been deleted from the revised draft regulation 14.

3. Regulation 16 on p. 13 ante.- This regulation provides for empowering a Park Officer to arrest and remove any person who behaves in a disorderly way in a National Park. Under section 22 of the Act, every offence punishable under section 21 (which provides for penalty for contravention of regulations under section 20) shall be congnisable and every Park Officer authorised in this behalf by the Director shall have within the limits of a National Park all the powers of a police officer of the rank of sub-inspector. Section 54 of the Code of Criminal Procedure empowers any police officer to arrest without warrant any person who has been concerned in a congnisable offence. That being so, rule 16 is unneeessary and has been deleted from the revised draft.

4. Regulation 20(a) on p.15.- The regulation in so far it provides that all the traffick regulations prevalent in the State will be applicable to vehicles plying on park roads is not in order. Moreover, such a provision is not necessary. It would not also be legally feasible to empower a Park Officer to make any special regulations as envisaged in draft regulation 20(a). Provision for regulating raffic in park will have to be mde in the rules themselves. That regulation has, therefore, been omitted from the revised draft.

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5. Draft Regulation 22.- The fee to be prescribed referred to in clause (b) will have to be specified in the regulation itself under section 20(2)(c) as the said power to make regulations vests in Government and cannot be delegated to the Director.

6. Draft regulation 23 on p. 17 ante.- is ultra vires of section 20 and has, therere, been deleted.

7. Draft regulation 24.- In view of the provisions of section 21 this regulation is superfluous and has, therefore, beend eleted.

Sd/-

Additional Deputy Secretary to Government.

U.R.to A. & F.D., No.18703/B, dated the 10th November 1952.

RHB.
5.7.

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